

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH KISSBERG CONSTRUCTION, INC. FOR FC-7573-03A, ANNUAL CONTRACT FOR SIDEWALKS, DRIVEWAYS AND CURBS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, WITH NO ADDITIONAL FUNDING REQUIREMENTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM VARIOUS FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") entered into an agreement with Kissberg Construction, Inc. ("Kissberg") for FC-7573-03A, Annual Contract for Sidewalks, Driveways and Curbs, on behalf of the Department of Public Works; and

**WHEREAS**, the base term of the contract was for two (2) years, with two (2), one (1) year renewal options at the City's sole discretion; and

**WHEREAS**, Renewal Agreement No. 1 was executed pursuant to Resolution 05-R-1361 which expires December 16, 2006; and

**WHEREAS**, the Chief Procurement Officer issued a 90-day extension on September 1, 2005 pursuant to Code Section 2-1206(a) to prevent a lapse in service during which Renewal Agreement No. 1 was being executed; and

**WHEREAS**, Kissberg has performed the contracted services satisfactorily; and

**WHEREAS**, the Commissioner of the Department of Public Works and the Chief Procurement Officer recommend the execution of Renewal Agreement No. 2 with Kissberg Construction, Inc. for FC-7573-03A, Annual Contract for Sidewalks, Driveways and Curbs, with no additional funding required.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to execute Renewal Agreement No. 2 ("Agreement") with Kissberg Construction, Inc. ("Kissberg") for FC-7573-03A, Annual Contract for Sidewalks, Driveways and Curbs, with no additional funding required.

**BE IT FURTHER RESOLVED**, that the term of the Agreement will be for one (1) year.

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that the Agreement will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by

the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Kissberg.

**BE IT FINALLY RESOLVED**, that all contracted work will be charged to and paid from various Fund, Account and Center Numbers.

## LEGISLATIVE SUMMARY

TO: City Utilities

### CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH KISSBERG CONSTRUCTION, INC. FOR FC-7573-03A, ANNUAL CONTRACT FOR SIDEWALKS, DRIVEWAYS AND CURBS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, WITH NO ADDITIONAL FUNDING REQUIREMENTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM VARIOUS FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.

<b>Committee Meeting Date:</b>	<b>November 14, 2006</b>																										
<b>Council Meeting Date:</b>	<b>November 20, 2006</b>																										
<b>Requesting Dept.:</b>	<b>Public Works</b>																										
<b>Contract Type:</b>	Renewal No. 2 for FC-7573-03A, Annual Contract for Sidewalks, Driveways, Curbs																										
<b>Advertisement:</b>	2003																										
<b>Bids/Proposals Due:</b>	June 25, 2003																										
<b>Invitations Mailed:</b>	226																										
<b>Bids/Proposals Received:</b>	13																										
<b>Bidders/Proponents:</b>	<table><tbody><tr><td>(1) Kissberg Construction</td><td>\$2,016,180.00</td></tr><tr><td>(2) Nile, Inc.</td><td>\$2,358,890.00</td></tr><tr><td>(3) Precision 2000, Inc.</td><td>\$2,467,235.00</td></tr><tr><td>(4) Ginarc Construction</td><td>\$2,854,375.00</td></tr><tr><td>(5) Shaheed's Construction</td><td>\$2,953,240.00</td></tr><tr><td>(6) CJB Contracting, Inc./Boykin Construction</td><td>\$2,979,000.00</td></tr><tr><td>(7) The Lions Group</td><td>\$3,102,765.00</td></tr><tr><td>(8) Kemi Construction Co., Inc.</td><td>\$3,299,400.00</td></tr><tr><td>(9) B. E. Guthrie</td><td>\$3,426,688.00</td></tr><tr><td>(10) Tople Construction &amp; Engineering</td><td>\$3,552,600.00</td></tr><tr><td>(11) Paramount Contracting, Inc.</td><td>\$3,555,050.00</td></tr><tr><td>(12) Flint Construction Company</td><td>\$4,321,283.00</td></tr><tr><td>(13) Tomi, Inc.</td><td>(no bid bond)</td></tr></tbody></table>	(1) Kissberg Construction	\$2,016,180.00	(2) Nile, Inc.	\$2,358,890.00	(3) Precision 2000, Inc.	\$2,467,235.00	(4) Ginarc Construction	\$2,854,375.00	(5) Shaheed's Construction	\$2,953,240.00	(6) CJB Contracting, Inc./Boykin Construction	\$2,979,000.00	(7) The Lions Group	\$3,102,765.00	(8) Kemi Construction Co., Inc.	\$3,299,400.00	(9) B. E. Guthrie	\$3,426,688.00	(10) Tople Construction & Engineering	\$3,552,600.00	(11) Paramount Contracting, Inc.	\$3,555,050.00	(12) Flint Construction Company	\$4,321,283.00	(13) Tomi, Inc.	(no bid bond)
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<b>Contractor:</b>	Kissberg Construction																										
<b>Estimated Value:</b>	This renewal is for time only																										

**Scope Summary:**

Renewal of the Annual Contract for Sidewalks, Driveways, and Curbs is essential to the City's on-going sidewalk program. The contractor's services will be needed to accomplish the following goals of the City: (1) Construction of Quality of Life (QOL) Bond funded sidewalk projects, (2) Construction of certain QOL bond funded streetscape projects, (3) construction of certain QOL funded intersection improvement projects funded through other local and non-local funds.

**Background:**

- Original contract executed on September 3, 2003;
- 
- Amendment No. 1, adopted on August 16, 2004 and approved by the Mayor on August 20, 2004; no money involved. Resolution 04-R-1394.
- Amendment No. 2, Resolution 04-R-2258.
- Amendment No. 3, Resolution 05-R-0051.
- Amendment No. 4, Resolution 05-R-0220.
- Renewal Agreement No. 1, Adopted by council August 15, 2005 and approved by the Mayor August 22, 2005.
- Amendment No. 5, adopted by Council November 7, 2005 and Approved by the Mayor November 15, 2005.
- Amendment No. 6, adopted by Council on February 20, 2006 and approved by the Mayor on February 28, 2006.

**Evaluation Team:**

DPW and OCC

**Term of Contract:**

Two (2) year base with two (2) one (1) year renewal options;

**Fund Account Centers:**

Various

**Prepared By:**

Erin Jenkins

**Contact Number:**

(404) 330-6950

**Part II: Legislative White Paper:**

**A. To be completed by Legislative Counsel:**

**Committee of Purview: City Utilities**

**Caption: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH KISSBERG CONSTRUCTION, INC. FOR FC-7573-03A, ANNUAL CONTRACT FOR SIDEWALKS, DRIVEWAYS AND CURBS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, WITH NO ADDITIONAL FUNDING REQUIREMENTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM VARIOUS FUND, ACCOUNT AND CENTER NUMBERS; AND FOR OTHER PURPOSES.**

**Council Meeting Date: November 20, 2006**

**Requesting Dept.: Public Works**

**B. To be completed by the department :**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

To exercise Renewal No. 2 of an existing agreement.

Legislation will put agreement in place for time only and not allow lapse in contract.

**2. Please provide background information regarding this legislation.**

The construction of new Sidewalks, Driveway's and Curbs is vital to the City's ongoing sidewalk program.

**3. If Applicable/Known:**

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): Construction

(b) Source Selection: Competitive Bid Process

(c) Bids/Proposals Due: N/A

(d) Invitations Issued: N/A

(e) Number of Bids: N/A

- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** 2 Year Base with 2 (1) year renewal options
- 4. **Fund Account Center:** Various
- 5. **Source of Funds** Quality of Life Bond
- 6. **Fiscal Impact:** N/A
- 7. **Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** Dawn Riley/SEB



DEPARTMENT OF ATLANTA  
DEPARTMENT OF PROCUREMENT

2006 NOV -3 PM 4:22

## CITY OF ATLANTA

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: publicworks@atlanta.gov

SHIRLEY FRANKLIN  
MAYOR

DEPARTMENT OF PUBLIC WORKS

David E. Scott, P.E.  
Commissioner

### MEMORANDUM FOR: REQUEST FOR RENEWAL

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** David E. Scott, P.E, Commissioner  
Department of Public Works *David E. Scott*

**SUB:** **REQUEST FOR RENEWAL OF CONTRACT – FC-7573-03A  
AND FC-7573-03B -CONSTRUCTION SERVICES FOR SIDEWALKS,  
DRIVEWAYS & CURBS**  
**Contractor(s):** Kissberg Construction, Inc. and Nile Construction, Inc.

**DATE:** November 2, 2006

#### A. DESCRIPTION OF NEED

The Department of Public Works (DPW) wishes to request the processing of the attached Resolution for Full Council on November 6, 2006 to allow DPW to exercise the Renewal Option Number 2 on the above captioned Agreements. This is for time only as we are in the process of negotiating unit prices and deemed immediate due to the pending expiration of the agreements.

If additional information is needed, please feel free to contact Soraya Belgrave at Ext. 6002.

DES/sb

#### Attachments:

1. Legislative Request Form (LRF)

cc: Sandra Jennings & Madelyn Grant, Department of Public Works  
Althea Smith, Department of Public Works  
Dawn Riley, Department of Public Works  
Soraya Belgrave, Department of Public Works / File

*4-Nile  
6-Kissberg*



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2005 MAR 28 PM 3:20

# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

## MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Acting Director *HO*  
Office of Contract Compliance

DATE: March 25, 2005

RE: Recommendation for FC 3005007836, Sidewalk Improvements for Atlanta  
Public Schools, Phase I

The Office of Contract Compliance has reviewed the bids for minority and female business enterprise participation. All bidders are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilizing AABEs and FBEs as indicated below:

### SD & C, Inc.

Knight & Associates, Inc.	AABE	11%
Deerfield Paving, Inc.	AABE	4%
T3 Design Associates, Inc.	FBE	14%
N.E. Erosion	FBE	3%
Johnson Construction	AABE	2%
<b>Participation Total</b>		<b>34%</b>

### Ginarc Construction, Inc.

T3 Design Associates, Inc.	FBE	17%
L & L Trucking Co.	AABE	10%
C.Dallas Tree SVS & Log Co.	AABE	7%
<b>Participation Total</b>		<b>34%</b>

### Tople Construction & Engineering, Inc.

Keso Enterprises	AABE	17%
Highway Services	FBE	17%
<b>Participation Total</b>		<b>34%</b>



Adam L. Smith  
March 25, 2005  
Page 2

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

CC: File  
Djuana Herron, DOP

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton 

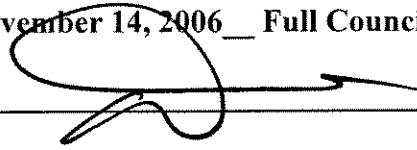
Contact Number: 6207

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Council Deadline: October 30, 2006

Committee Meeting Date(s): November 14, 2006 Full Council Date: November 20, 2006

Commissioner Signature 


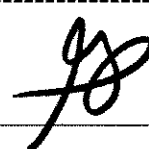
Chief Procurement Officer \_\_\_\_\_

CAPTION

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FINANCIAL IMPACT (if any) \$00.00

Mayor's Staff Only

Received by Mayor's Office: 11/14/06  (date) Reviewed by: 

Submitted to Council: 11/17/06 (date)